HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V. NAGARJUNA REDDY

WRIT APPEAL No. 86 OF 2007

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Between:

Kommineni Subbaraidu & others

.... Appellants

AND

The District Collector, Nellore & others

.....Respondents

:: J U D G M E N T ::

Counsel for the appellants : None

Dated: 01.02.2007

Per G.S.SINGHVI, CJ

This appeal is directed against order dated 07.09.2006 passed by the learned Single Judge in Writ Petition No.18413 of 2006, whereby he declined the appellants' prayer for issue of a mandamus to the respondents to assign them agricultural lands comprised in Survey Nos.268-2, 667/2, 268-1, 267-1, 677, 668, 669, 670 and 672 situated at Gunde Madakala Village of Vinjamoor Mandal, Nellore District as also their prayer for being allowed to take away the crops.

Since no one has appeared for the appellants, we are left with no option but to presume that they are not interested in prosecuting the appeal. Hence, the appeal is dismissed in default.

We are also convinced that the writ petition filed by the appellants was a frivolous piece of litigation and rightly dismissed by the learned Single Judge because their right to seek assignment of land had already been adjudicated in Writ Petition No.174 of 2006, which was disposed of by the Court with the direction to the competent authority to consider and decide their claim. In our considered view, the second writ petition filed for grant of almost identical relief was not maintainable.

With the above observations, the appeal is dismissed.

As a sequel to dismissal of the main appeal, W.A.M.P.No.141 of 2007 filed by the appellants for issue of a direction to the respondents to allow them to

harvest the crop in the land situated in Gunde Madakala Village, Vinjamoor Mandal, Nellore District is also dismissed.

G.S.SINGHVI, CJ

C.V. NAGARJUNA REDDY, J

01.02.2007
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